

REMARKS

Applicant notes with appreciation the well reasoned and thorough Office Action, Paper No. 20050710. This amendment is submitted to be fully responsive thereto. Claims 1-8, 11, and 13-36 remain pending in the application upon entry of this amendment. Reconsideration of the outstanding rejections is requested in light of the above amendments and following remarks. In addition to claim amendments corrective of dependency so as to afford proper antecedent basis in the claims, claims 1, 19 and 32 have been amended to recite the inclusion of “a video camera having a fisheye or other wide angle lens” and “a reserve power unit...”. Support for these amendments is found in the specification as filed at page 6, lines 4-6; and page 8, lines 12-17. As such, it is submitted that no new matter has been added to the application by way of this amendment.

The specification stands objected to in regard to reference number “40” properly being “50” on page 9, line 5. Appropriate correction has been made and withdrawal of the rejection is solicited.

Claims 26, 27 and 33 are objected to on the basis of improper dependency. In response to this rejection, Applicant has corrected the dependency of these claims to reflect dependency from the closest numerically preceding independent claim. As such, it is submitted that the objections to claims 26, 27 and 33 have been overcome.

Claims 11, 18, 23, 25 and 28 stand rejected under 35 U.S.C. §112, second paragraph, in regard to lacking insufficient antecedent basis for claim limitations. In response to this rejection, the claims have been amended so as to be dependent on an appropriate preceding claim so as to afford sufficient antecedent basis for each of the terms delineated in Paper No. 20050710, page 3, sections 5-8. With regard to claim 28, the term “cellular communication” with regard to

transmitter has been amended to recite “wireless transmitter” that finds antecedent basis in claim 20. In light of these amendments, reconsideration and withdrawal of the rejection as to claims 11, 18, 23, 25 and 28 under 35 U.S.C. §112, second paragraph, is requested.

Claims 1-6, 8-10, 12, 13, 19, 23, 24, 28, 32, 33, 35 and 36 stand rejected under 35 U.S.C. §102(e) as anticipated by McCarthy et al. (U.S. Patent 6,768,420). Claims 11 and 21 stand rejected under 35 U.S.C. §103(a) as being obvious over McCarthy et al. Claim 7 stands rejected under 35 U.S.C. §103(a) over McCarthy et al. in view of Ford (U.S. Patent 6,756,896). Claims 14, 16, 29 and 31 stand rejected under 35 U.S.C. §103(a) as being obvious over McCarthy et al. in view of Wilkinson (U.S. Patent 5,892,447). Claims 14, 15, 29 and 30 stand rejected under 35 U.S.C. §103(a) over McCarthy et al. in view of Brinkmeyer et al. (U.S. Patent 5,940,007). Claims 17 and 34 stand rejected under 35 U.S.C. §103(a) as being obvious over McCarthy et al. in view of Barnas et al. (U.S. Patent 6,642,838). Claims 18, 20, 22 and 25-27 stand rejected under 35 U.S.C. §103(a) as being obvious over McCarthy et al. in view of Wilkinson and further in view of Barnas.

Remarks Directed to Rejection of Claims 1-6, 8-10, 12, 13, 19, 23, 24, 28, 32, 33, 35 and 36 under 35 U.S.C. §102(e) as Anticipated by McCarthy et al.

Anticipation has always been held to require absolute identity in structure between that claimed and a structure disclosed in a single reference. In *Richardson v. Suzuki Motor Co., Ltd.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989) it was stated, “Every element of the claimed invention must be literally present, arranged as in the claim.” Independent claims 1, 19 and 32 have been amended to recite the central role played by a controller, a “reserve power unit enabling said controller to function upon loss of routine power” and the communication of a “video image generated by said video camera [having a fisheye or other wide angle lens]. In

contrast, McCarthy et al. is silent as to the claimed aspects of a reserve power unit and transmission of a video image collected through a fisheye or other wide angle lens. Since McCarthy et al. fails to show these features, pending independent claims 1, 19 and 32, as well as those claims that depend therefrom, are patentable over McCarthy et al.

Regarding claim 8, while McCarthy et al. contemplates a vehicle protection mode (see column 9, lines 41-59), Applicant submits that McCarthy et al. is silent as to the collection and transmission of a video image collected through a fisheye or other wide angle lens as part of the alarm signal that is likely to capture an image of the wrongdoer so as to facilitate subsequent crime statistic reporting and possible apprehension. As such, Applicant submits that this represents an independent basis for the patentability of claim 8.

In light of the above amendments and remarks, reconsideration and allowance of pending claims 1-6, 8, 13, 19, 23, 24 and 28 under 35 U.S.C. §102(e) as anticipated by McCarthy et al. is requested.

**Remarks Directed to Rejection of Claims 11
and 21 under 35 U.S.C. §103(a) over McCarthy et al.**

The basis of this rejection is that video camera image collection initiated upon temperature exceeding a threshold and occupant presence within a vehicle initiates collection of a video image for transmission to a remote location (citing McCarthy et al., column 7, lines 30-52). (Paper No. 20050710, section 12, page 10, first paragraph). Likewise, vehicle horn activation and portal opening are considered obvious extensions of McCarthy et al.

Claims 11 and 21 are submitted to be patentable on the basis of dependency from claims 1 and 19, respectively, which are now believed to be in allowable form. As such, reconsideration and allowance of claims 11 and 21 is requested.

**Remarks Directed to Rejection of Claim 7 under
35 U.S.C. §103(a) over McCarthy et al. in View of Ford**

McCarthy et al. is cited as failing to teach the limitation of the condition precedent for alarm activation being the failure to reset the auditory alarm within a preselected amount of time. Ford is cited to bolster the teachings of McCarthy et al. in this regard.

Claim 7 is submitted to be allowable on the basis of dependency from claim 1, which is now believed to be in allowable form. Ford is submitted to do nothing to bolster McCarthy et al. with regard to the novel aspects of claim 1 and as such reconsideration of the rejection as to claim 7 under 35 U.S.C. §103(a) over McCarthy et al. in view of Ford is requested.

**Remarks Directed to Rejection Claims 14, 16, 29 and 31
under 35 U.S.C. §103(a) over McCarthy in View of Wilkinson**

McCarthy is cited in Paper No. 20050710 at section 14, page 11, as lacking a disclosure as to the receiver and all its elements per claim 14. Wilkinson is cited to bolster these deficiencies of McCarthy et al. yet still lacks an ability to store an image.

Applicant submits that the storage of images transmitted to a receiver and stored in a digital memory thereon provides a surprising benefit of evaluating the nature of the emergency allowing a receiver to assess the appropriate action. Additionally, the storage of such an image in the case of a confinement victim or property crime allows one to assess the status of the occupant and the identity of the perpetrator respectively, prior to arrival on the scene. As such, Applicant respectfully requests that the limitation found in the claim regarding the ability of a receiver to receive and store digital images must be considered to impart patentable weight especially since this limitation is lacking in the prior art. The above comments are believed to be equally as applicable to claim 29 as well.

In light of the above amendments and remarks, reconsideration and withdrawal of the rejection as to claims 14, 16, 29 and 31 under 35 U.S.C. §103(a) over McCarthy et al. in view of Wilkinson is requested. Based on the dependency from claims 14 and 29, claims 16 and 31 are likewise submitted to be in allowable form.

**Remarks Directed to Rejection of Claims 14, 15, 29 and 30 under
35 U.S.C. §103(a) Over McCarthy in View of Brinkmeyer et al.**

McCarthy et al. is cited as lacking a teaching in regard to recited limitations of claims 14 and 29. Brinkmeyer et al. is cited for teaching a key fob:

having a housing as seen in figure 2, a wireless antennae for receiving an emergency signal from a vehicle as seen in figure 1 (column 5, lines 17-40), a display for providing user readable information as seen in figure 2, it would be obvious for the device to include memory to store vehicle information and icon images associated with the display, a data transmission device for transmitting information to the vehicle (column 5, lines 17-40) and it would have been obvious to include a battery to provide power to all electronic components of the key FOB.

(Paper No. 20050710, section 5, paragraph bridging pages 12-13). Applicant submits that a claim limitation lacking in the prior art is entitled to patentable weight. In this regard, the combination of McCarthy et al. with Brinkmeyer et al. lacks the “digital memory for storing images” in pending claims 14 and 29. Based on the temporal proximity of McCarthy et al. and Brinkmeyer et al. to the present invention, the inventors of McCarthy et al. and Brinkmeyer et al. certainly were aware of the ability to transmit digital images and store the same within a receiver yet elected not to do so. In fact, the only place such motivation is found is within the pending application and as hindsight reconstruction based on the pending application is improper, reconsideration and allowance of pending claims 14 and 29 is requested. Claims 15 and 30

depend from claims 14 and 29 respectively and are likewise submitted to be in allowable form based on this dependency.

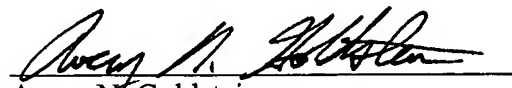
Remarks Directed to Rejection of Claims 17, 18, 20, 22 and 25-27

Based on the dependency of claims 17 and 18 from base claim 1 while claims 20, 22 and 25-27 depend from claim 19, and independent claims 1 and 19 are now believed to be in allowable form, these claims are likewise submitted to be in allowable form. Reconsideration and allowance of these claims is solicited.

Summary

Claims 1-8, 11 and 13-31 remain pending in the application. Each claim is believed to be in allowable form and directed to patentable subject matter. Reconsideration and withdrawal of the outstanding rejections and the passing of this application to issuance are solicited. Should the Examiner find to the contrary, he is respectfully requested to contact the undersigned attorney in charge of this application to resolve any remaining issues.

Respectfully submitted,



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